



Docket No.: PZ012P1C2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ruben et al.

Application No.: 09/820,649

Confirmation No.: 6561

Filed: March 30, 2001

Art Unit: 1653

For: Protein HAUAQ39

Examiner: R. Mitra

**Statement Concerning the Deposited cDNA Clone**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record hereby states:

1. A plasmid containing human cDNA encoding HAUAQ39 polypeptide was deposited under the terms of the Budapest Treaty on July 17, 1997 at the American Type Culture Collection (ATCC), Patent Depository, 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given accession number 209145.

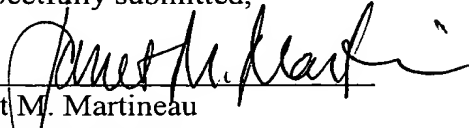
2. Assurance is hereby given that: (1) the deposit was made under terms of the Budapest Treaty; (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposit will be irrevocably removed upon the granting of a patent from the captioned application; (3) the deposit has been made under conditions such that access to the material will be available during the pendency of the captioned patent application to one determined by the Commissioner; and (4) the deposit will be maintained with the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the

furnishing of a sample of the deposit, and in any case, for a period of at least thirty years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

Dated: March 31, 2004

Respectfully submitted,

By

  
Janet M. Martineau

Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.

14200 Shady Grove Road

Rockville, Maryland 20850

(301) 315-2723



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 908-768 ATCCROVE • FAX: 301-816-4366

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.  
Attn: Robert H. Benson  
9410 Key West Avenue  
Rockville, MD 20850

RECEIVED  
JUL 2 1997  
HGS PATENT DEPT.

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid PS040

209145

The deposits were accompanied by:    a scientific description    a proposed taxonomic description indicated above.

The deposits were received July 17, 1997 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 23, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: July 24, 1997